

Notice of Allowability

Application No.

09/766,824

Examiner

Ian N. Moore

Applicant(s)

ORSATTI, DANIEL

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/6/2005.
2. ☒ The allowed claim(s) is/are 1-7 and 9-12 which have been renumbered as 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/28/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


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DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joscelyn G. Cockburn on December 7, 2005.

The application has been amended as follows:

- In the **abstract**, line 7, "**comprises**" has been replaced with -- **contain** - -
- **Claim 3**, line 3, "**a normal cell**" has been replaced with -- **the normal cell** - -
- **Claim 4**, line 19, "**a normal cell**" has been replaced with -- **the normal cell** - -
- **Claim 4**, line 24, "**a normal cell**" has been replaced with -- **the normal cell** - -
- **Claim 6**, line 3, "**a normal cell**" has been replaced with -- **the normal cell** - -
- **Claim 7**, line 10, "**a control bit**" has been replaced with -- **a loop control bit** - -
- **Claim 7**, line 11, "**by a control point**" has been inserted between "said output adapter" and "if loopback"
- **Claim 8** is canceled.
- **Claim 9**, line 1, "**according to claim 8**" has been replaced with -- **according to claim 7** - -
- **Claim 9**, line 4, "**a normal cell**" has been replaced with -- **the normal cell** - -
- **Claim 10**, line 18, "**the protocol engine**" has been replaced with -- **a protocol engine** - -

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- **Claim 10**, line 19, “**a normal cell**” has been replaced with -- **the normal cell** - -
- **Claim 10**, line 24, “**a protocol engine**” has been replaced with -- **the protocol engine** - -
- **Claim 10**, line 26, “**a normal cell**” has been replaced with -- **the normal cell** - -
- **Claim 12**, line 3, “**a normal cell**” has been replaced with -- **the normal cell** - -
- **Claim 13** is canceled.

Allowable Subject Matter

2. Claims 1-7 and 9-12 are allowed.
3. The following is an examiner’s statement of reasons for allowance:

Claim 4-6 and 10-12 are allowable since they had been rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 1-3,7, and 9 are allowable over the prior art of record since the cited reference taken individually or in combination fails to particularly disclose the following limitations:

In claims 1 and 7, ...*setting a loop control bit in said output adapter by a control point of said switching node if loopback is permitted in said switching* ... in combination with other limitations recited as specified in claims.

The primary prior art reference Manchester (US006724728B1) or Moll (US 5,710,760) already includes a loopback condition indication to perform loopback.

Note that the closet second prior art Gruber (U.S. US006563795B1) discloses an ATM node setting loopback control bit if loopback is permitted, however there is no motivation or reason in Gruber or any of the primary reference to set another/secondary

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loopback control indication. In contrast to applicant claimed invention, which utilizes both loopback indications: a loopback control bit and a loopback condition as recited in claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


INM

12/28/05